

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

BENJAMIN P. TOLKOFF (NYBN 4294443)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
San Francisco, CA 94102
Telephone: (415) 436-7296
Fax: (415) 436-7234
E-Mail: Benjamin.Tolkoff@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 10-0275 WHA
)	
Plaintiff,)	
)	UNITED STATES' APPLICATION FOR
v.)	STAY OF MAGISTRATE JUDGE'S
)	ORDER GRANTING RELEASE OF
LECONTE ONEAL,)	DEFENDANT
)	
Defendant.)	

The United States hereby requests that this Court STAY the Magistrate Court's order granting release as to the defendant in the above captioned case until the United States' motion to seek review of that order is decided by this Court.

The defendant is charged in a one-count indictment with possession of cocaine base with intent to distribute in violation of 21U.S.C. § 841. On April 21, 2010, the parties appeared before the Honorable Bernard Zimmerman for a detention hearing. A pretrial services report was prepared that reflected the defendant's criminal history and available sureties. The defendant's criminal history shows that in the past thirteen years he has had nearly continuous involvement with the criminal justice system and has violated the terms of pretrial release, probation and

1 parole multiple times in every state case he was charged in. Most concerning to the United States
2 is that the defendant was convicted of felony crack sale thirty-nine days prior to his arrest on the
3 instant charge.

4 Following deliberation, Judge Zimmerman released the defendant on a \$250,000 bond
5 secured by the defendant's mother's home in Elk Creek, CA. As of the date of this filing, the
6 property has not been posted, and the release order is not yet final. However, the property may
7 be posted at any time between today and May 4, 2010, the date of the parties next appearance
8 before Judge Zimmerman and the date of the parties' initial appearance before this Court.

9 The United States therefore seeks a stay of Judge Zimmerman's ruling in order to afford
10 the United States an opportunity to seek review Judge Zimmerman's decision to release the
11 defendant.

12 A proposed order is being submitted herewith.

13 DATED: April 22, 2010.

Respectfully submitted,

14 JOSEPH P. RUSSONIELLO
15 United States Attorney

16 /s/

17 BENJAMIN P. TOLKOFF
18 Assistant United States Attorney

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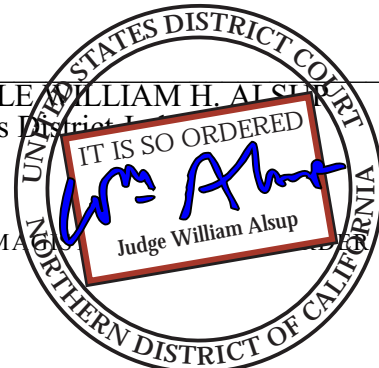
No. CR 10-0275 WHA

~~PROPOSED~~ ORDER GRANTING
UNITED STATES' APPLICATION FOR
STAY OF MAGISTRATE JUDGE'S
ORDER GRANTING RELEASE OF
DEFENDANT

For good cause shown, the government's application for a stay of Magistrate Judge Bernard Zimmerman's order granting release to defendant Leconte O'Neal in the above-entitled case is GRANTED. ~~Said order is STAYED pending resolution of the government's appeal of the order before the duty District Court in this Court's absence.~~ It is further ORDERED that defendant Leconte O'Neal is to remain in the custody of the United States Marshals Service until further order of this Court. A hearing shall be held on this matter on Tuesday, April 27, 2010, at 2:00 p.m.

DATED: April 22, 2010.

HONORABLE WILLIAM H. ALSUP
United States District Judge



~~PROPOSED~~ ORDER GRANTING U.S.' APPLICATION FOR STAY OF MAGISTRATE JUDGE'S
ORDER GRANTING RELEASE OF DEFENDANT
CR 10-0275 WHA